IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1952 OF 2007

Mohd. Yaqub Abdul Hamid ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

...

Mr.M.Y.Sayani Advocate for Applicant
Mr.K.V.Saste A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 22, 2007

P.C.

1. Heard the learned advocate for the applicant

and the learned A.P.P. for the State.

2. The applicant is seeking anticipatory bail in C.R.No.92 of 2007 of J.J.Marg Police Station, Mumbai. The said case is mainly under Sections 324 and 506 of IPC.

3. It is the prosecution case that the applicant used to provide illegal electricity to vendors in Crawford Market area. The applicant had grudge

against the complainant as he was under impression that the complainant used to provide information to the police about theft of electricity. It is the case of the complainant that on 24.5.2007 at about 7.30 a.m. the applicant along with his associate assaulted the complainant. Complainant has specifically stated that applicant inflicted two knife blows on the back of the complainant. At that time, the applicant was saying "Lightke Bareme Tune Jo Complaint Kiya Hai Wo Wapas Le Lo, Nahi To Jaan Se Marunga". I have perused the medical certificate. There are two incised wounds on the back of the complainant. The first one is 12 cm x 1 cm x 1 cm.

4. The learned A.P.P. states that since the investigation is in progress, the custody of the applicant is necessary for recovery of knife.

5. Looking to the material gathered by the prosecution, in my view, the material is such as to point out an accusing finger towards the present applicant. The Apex Court has observed in the decision of the **Directorate of Enforcement Vs. P.V.Prabhakar Rao reported in 1997 S.C.C. (Cri.) 978** that when the material gathered by the

prosecution is such that it points out an accusing finger towards the accused, it is not a fit case to grant anticipatory bail.

6. In view of the above, the application for anticipatory bail is rejected.

[SMT. V.K.TAHILRAMANI, J.]